Remarks/Arguments

Claim Rejections - 35 USC §§102 and 103

Claims 1-52 are at issue. Claims 1, 12, 23, 33, 39, 41, 43, and 46 - 52 are rejected under 35 USC 112(e) as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "said incoming instructions" (line 6) is not clearly defined. The "said incoming instructions" refers to instructions in plural. However, the "at least one incoming instruction" claimed earlier in claim 1 line 5 may refer to a singular incoming instruction.

Claims1, 12, 23, 33, 39, 41, 43, and 46 – 52 indefinite nature has been address according to examiner explanation of problem: replaced "at lease one incoming instructions" with "any incoming instructions" or "one or incoming instruction".

Claim 1 – 7, 11 – 18, 22 – 27, 32 – 38, and 44 - 52 stands rejected under 35 USC 102(e) as being anticipated by Walsh et al. (US 6,144,848).

Walsh et al patent (US: 6,144,4848) can not be said to anticipate the Applicant's invention, because of the functional, structural, and operational uniqueness between the two devices. If the devices are dis-similar in form and function then one can not be said to anticipate the other. Neither the Applicant's invention, nor Walsh et al's invention are interchangeable (able to replace the other).

Functionally, Walsh et al invention is a highly portable (mobile) dumb terminal that can link to a remote server using a communication network and a modem. Walsh et al states that his invention is a dumb computer (Col. 3 lines 34 to 39). Walsh goes on to say that the portable dumb computer derives it advance functional capabilities from its

real time bi-direction modem connection to a server (Col. 3 line 34 to 39 and Col. 3 lines 23 to 28). Walsh et al invention can be employed to access and review information stored on a remote server in real time (Col. 3 lines 34 to 39), enter, edit, or delete information on a remote server in real time (Col. 3 line 34 to 39 and Col. 3 lines 48 to 55), or enter data to be processed and view the result in real time (time (Col. 3 line 34 to 39 and Col. 3 lines 48 to 55). One of the key difference between Walsh et al's invention and the Applicant's invention is timing. Walsh et al's invention works in real time, and all functions and capabilities of said invention ends when the connection to the serve is terminated (Col. 30 lines 29 to 32). The Applicant's invention can control the future behavior of a remotely located device. The Applicant's invention dose not control the server, rather it supplies the server with information that will be used to control a device remotely located to said server. The Applicant's invention can not accept instructions directly from the user and return process data, and it can not accept or respond to instructions to carry out task in real time. The Applicant's invention control devices that are remote to the server that the user is communicating with, while with Walsh et al's invention control and access is limited to the server at a location (Col. 7 lines 25 to 31). The only similarity between the two devices is that they both use a server and a communication network. The dissimilarities are that the Applicant's device does not work in real time, it controls future behavior of remote devices, and it uses complex DTMF tones patterns to encode instructions to a device that is remote to said server. The Applicant's device is remote to both the server and all of the instruction entry points that might be used by a user. The Applicant's device does not obtain any of it computational abilities from a remote server, no matter how powerful it may be. The Applicant's

device is stationary in one location while Walsh et al user device is highly portable / mobile in nature (Col. 3 lines 22 to 25 and Col. 3 lines 43 to 55).

Walsh et al invention does not use DTMF tones to transmit information between the user device and the server because it is too slow and lack the complexity (error checking and correcting) required to support a multimedia communication system (Col. 2 lines 60 to Col. 3 line 3). Walsh et al patent uses a modem to transmit all information between the user device and the server (Figure 1A and Col. 3 lines 22 to 28). DTMF tones are used as static flags in Walsh et al patent, they stand for one thing only, they are indicator that can be looked-up on a table (Table 15-1 and Col. 39 lines 15 to 21). Walsh et al uses DTMF tones only because they are distinct from human voice conversation, and will not accidentally trigger a data transmission mode change (Col. 8 lines 31 to 36). Walsh et al use a DTMF tone to quickly signal to the server that there will be a change in the data transmission mode: from voice to data (Col. 4 lines 10 to 16 and Col. 8 lines 26 to 30).

Structurally, Walsh et al device is far more complicated than the Applicant's device. Walsh et al invention contains a keypad, display, bar code reader, microphone, speaker, transceiver, amplifier, a modem, microprocessor, and ROM & RAM memory (Figure 1A, and Figure 1B and Col. 3 lines 18 to 39). Walsh et al device is designed to be mobile and have a low power requirement (Col. Lines 27 to 31 and Col. 3 lines 60 to 66). The Applicant's device contains sensor array, microprocessor, ROM and RAM memory, DTMF transceiver, and an Infrared LED. The Applicant's device does not deal

with transmitting information in a multimedia format. The Applicant's device is designed to be located at a single location and has not power requirement limitations.

Walsh et al device is similar to a cell phone attached to the Internet, it is difference from that of the Applicant's invention. Walsh et al device is a method and system for mobile hand held dump computer with speaker, monitor, modem, and some fancy data collection attachments (Col. 3 lines 22 to 27). Walsh et al device does not anticipate the Applicant's invention, because the functionality and operational capabilities are totally different. Walsh et al device establishes a dedicated communication link between a remote terminal and a server, it does not collect or send instructions for the operation of equipment at a site remote to both server and said (Walsh et al) device. Walsh et al device is a real time remote computer access device that allow the user to control the server, manipulate stored data, and enter new data over a secure communication line (Col. 3 lines 32 to 39 and Col. 3 lines 40 to 55).

Unlike Walsh et al device, the Applicant's invention receives instructions from a central office that is remote to both the sender of the information and said central office. The central office does not allow the user/sender of the information to control the server they are in communication with. The senders of the information can only identify themselves and enter instructions that are to carried out at a location remote to both the sender and the central office, at some time in the. The Applicant's invention does not work in real time as Walsh et al device does (Col. 3 lines 32 to 39), the Applicant's invention take action after the user has finish communicating with the server, has terminated their connection to the server.

Claims 5, 6, 7, 8, 9, 10 and 11, are allowable as being dependent from an allowable claim

Claims 13 and 14, are allowable as being dependent from an allowable claim

Claims 16, 17, 18, 19, 20, 21, and 22, are allowable as being dependent from an allowable claim

Claims 24, and 25, are allowable as being dependent from an allowable claim

Claims 27, 28, 29, 30, 31, and 32, are allowable as being dependent from an allowable claim

For claim 1, 12, 23, 33, 35, and 37 regarding "monitoring a communication system for activity", Walsh et al teach on column 30 line 62 – 65 CPT for detecting status of communication path (reads on claimed "monitoring a communication system for activity"). Walsh et al use of a CPT (Call Progress Tones), is not new, this is a standard component of a Modem and is common to many DTMF transceiver chips. My favorite DTMF transceiver chip is the CM8880, it has DTMF tone generating capability, DTMF tone decoding capabilities, and call progress tone status detection built into it. The CM8880 is made by California Micro Devices, 2000 West 14 Street Tempe AZ 85281 (602) 921-6000. Call Progress Tones are used to monitor the state of the call via line activity: dial tone, busy, ringing, or disconnected. The Applicant's device monitors the communication system to determine if information is incoming from a centrally located server. In the Applicant's invention, monitoring is not for status of the developing call, but to determine if the centralized server is trying to contact the control device located at

a remote location. This is totally different from that of what Walsh et al is doing in his patent, and can not be consider as anticipating what the Applicant's patent is doing.

Regarding "detecting whether ....Incoming instruction", Walsh et al teach on column 31 line 1 to column 32 line 54 the authentication (claim "activity") is performed before an order session begins and instructions are taken. Walsh et al does not teach the use of ID codes for controlling access to a server, this is as old as time-sharing on a mainframe computer. This process is common to all server that are access from remote locations (i.e. America On Line "AOL", requires both a Screen Name and User ID to access its servers). Walsh et al patent authentication concerns are about preventing wrongful access to data stored on the server (Col. 31 lines 49 to 67), and wrongful access to services supplied by the server, and for billing purposes (Col. 31 line 19 to 25). Walsh et al patent uses authentication to protect what is stored on the server, by monitoring the user device accessing said server. In the preferred embodiment the user's Caller ID would be used as identification for accessing the server (Col. 31 lines 4 to 7). The main thrust of Walsh et al concern with identification deals with identifying the user device that will attach to the server (Col. 31 lines 31 to 37 and Col. 31 lines 38 to 48). Walsh et al's device does not deal with protecting access to control of devices located at sites remote to the server. The Applicant's device uses identification codes as a mean of preventing someone from wrongly gaining control of / or falsely instructing a device at a remote location. Walsh et al device required authentication for accessing a server in real time, while the Applicant's device required authentication for access control of a remote device in the future.

Regarding "storing said ....incoming instructions", Walsh et al teach on column 9 lines 7 to 10 the host server CPU receives (reads on claimed "storing") the command instructions. In Walsh et al's patent information / instruction received from the user interface device is process differently from that of the applicant. The server in Walsh et al's invention will receive instructions transmitted by a modem (Col. 16 lines 44 to 58), the information will be rapidly process and acted on (Col. 9 lines 24 to 30 and Col. 9 lines 48 to 34). In the Applicant's inventions, the instructions it receives are stored and process at some point in the future (after the sender has completed their input of instruction to a remote server). Walsh et al's device functions in real time, and all instructions must be carried out as received at the server (Col. 3 lines 32 to 39). In the example cited above, the switching of modes from voice to data is executed immediately (0.15 seconds) as is required for capturing incoming data send via the modem (Col. 9 lines 4 to 18). The Applicant's device does not act on the instructions it receives from a remote input terminal via a centrally located server in real time. The instructions from a remote input terminal are pre-process by the centrally located server before being forward to a targeted remote location, said processing occurs after the connection between the instructions originating terminal (sender) and said server has been terminated. The instructions enter from the originating site is not forwarded by the centrally located server to it final destination until the connection between the origination site and said server is terminated. The connection between the centrally located server and the Applicant's device is established only after the originating terminal has stop communicating with the server. Walsh et al's invention has it instructions store on the server as it final destination, while the Applicant's invention final destination for its instructions is a

device remotely located to the server utilized. The instructions in the Applicant's inventions are executed after the connection between the server and the sender of the information has been terminated. The Applicant's instructions are transmitted using DTMF tone and does not depend on or require a modem. These difference in storage of instructions / information between the applicant and Walsh et al shows that the two are distinctly different. Walsh et al uses DTMF tones as indicator flags that trigger certain events: set baud rate to 1200, switch modem communication on, or switch voice communication off (Col. 9 lines 7 to 18). These instruction deal with setting up communicating information between the server and the Walsh et al's device. The DTMF tone in Walsh et al invention are indicator, and unlike the letters of the alphabet they can not change their effect / meaning by being re-arranged. This is clearly illustrated by the table indicating the function each DTMF tone will trigger (Col. 39 lines 1 to 21 and Table 15-1). Walsh et al invention does not use DTMF tones to encode instruction that the server will process or be passed on as control instructions at another location. Walsh et al invention uses a modem to transmit information / instructions to the server, while the applicant uses DTMF tones to encode and transmit information / instructions to the server.

Regarding "transmitting said incoming instructions to said device", Walsh et al teach on column 32 lines 57 to 60 the command instruction is transmitted to processing element for order processing. In the example cited above, Walsh et al patent quickly transmits the information need to complete a purchase / transaction made by the user. In Walsh et al's patent instructions are transmitted to a server for immediate action, real time response to commands from the remote user (Col. lines 43 to 55 and Col. 7 lines 25

to31). When the connection to the server is terminated the commands and/or actions initiated by the user are also terminated (Col. 30 lines 29 to 32). In the Applicant's invention, commands and/or actions requested by the user started after the connection between said user and the server has been terminated. Walsh et al uses DTMF tones as indicator flags that trigger certain events: set baud rate to 1200, switch modem communication on, or switch voice communication off (Col. 9 lines 7 to 18). These instruction deal with setting up communicating information between the server and the Walsh et al's device. The DTMF tone in Walsh et al invention are indicator, and unlike the letters of the alphabet they can not change their effect / meaning by being re-arranged. This is clearly illustrated by the table indicating the function each DTMF tone will trigger (Col. 39 lines 1 to 21 and Table 15-1). Walsh et al invention does not use DTMF tones to encode instruction that the server will process or pass on as control instruction that will be used at another location. Walsh et al invention uses a modem (Col. 3 lines 22 to 28 and Col. 37 & 38 lines 56 to 5 and Figure 15 and Figure 16) to transmit information to the server, while the Applicant's invention uses DTMF tones to encode and transmit information to the server. In Walsh et al patent information / instruction received from the user interface device is process differently from that of the applicant. Once the server in Walsh et al invention has received instructions from the remote user device, it will process them rapidly (Col. 9 lines 24 to 30 and Col. 9 lines 48 to 34). In the Applicant's inventions instructions it received are store and process at some point in the future. Walsh et al's device functions in real time, and all instructions must be carried out as received (Col. 3 lines 32 to 39). In the example cited above, the switching of modes from voice to data is executed immediately (0.15 seconds) as is required for capturing

incoming data send via the modem (Col. 9 lines 4 to 18). The Applicant's device does not acts on instructions sent to it from a centrally located server in real time, said instructions are pre-process after the sender has terminated contact with said location, said pre-process instructions are then forwarded to the said device at a remote location. The instructions enter from the remote site to the centrally located server is not forwarded until after the connection between the remote site and said server is terminated, and a connection between the centrally located server and the Applicant's device is established. This difference in functionality implies retention of instruction entered from the user, while the Walsh et al device receives instructions (information) in a format different from that of the applicant, and processes said information in real time. The Applicant's invention will process the information and carry out the command as some future point in time. Truly two distinct transmissions and operational methodology are employed by these inventions. Walsh et al invention requires that transaction be rapid in nature, and completed before the user ends their communication session with the server (Col. 3 lines 32 to 39 and Col. 9 lines 4 to 18). The Applicant's device will not begin to receive the user's instruction or be able to act on them (process the transmitted instructions) until the connection between the remote input site and the centrally located server is terminated. Walsh et al device sends information to a server where it is analyzed, stored, or results of the processing send back to the said device in real time (Col. 33 lines 15 to 25). The Applicant's device receives instructional information from a remote source (a computer linked to the Internet, Voice Interactive phone system, or faxed -optically scanned text) that is process at a centrally located server, then said information is routed to another remote site where the Applicant's device validate and transmit it to a targeted device. In

the Applicant's invention the server immediately process the received instructional information, but the centrally located server does not forward the processed result to the Applicant's device for many minutes, hours, or even days. The form that data take in it transmittal is different in both inventions. Walsh et al invention transmitted instructions/data takes the form of packets transmitted by modem, while the applicants device takes the form of encoded DTMF tones (Col. 33 lines 15 to 25). Clearly if Walsh et al invention does not use the same functionality in transmitting information as soon as it is process, or transmitting the information in the same formation it can not be said that his inventions anticipated what was done in Applicant's device. Claims 1, 12, 23, 33, 35, and 37 are allowable.

Claims 2 and 3 are allowable as being dependent from an allowable base claim

Claims 13 and 14 are allowable as being dependent from an allowable base claim

Claims 24, and 25, are allowable as being dependent from an allowable claim

Regarding claims 2, 5, 13, 16, 24, and 27 Walsh et al teach on column 9 lines 4 to 10 transmits DTMF tones as command instructions. In the example cited above, Walsh et al teaches DTMF tones or MF can be used to trigger a pre-set chain of events, acting as an on/off switch. The list of the pre-set event / flags that are triggered by DTMF tones are fixed (Table 15-1), these DTMF tones are used to established the communication link between the server and Walsh et al device (Col. 39 lines 1 to 21). Unlike the Applicant's invention, DTMF tones are used in complex grouping to convey information. The applicant uses DTMF tones to as an alphabet to encode instructions, while Walsh et al use DTMF tones as stand-alone indicators to establish communication set-up for a

modem. It is a modem that transmits information in Walsh et al invention. Walsh et al uses a modem to convey information between the server and his invention (Col. 9 lines 4 to 10). Claims 2, 5, 13, 16, 24, and 27 are allowable.

Regarding claims 3, 6, 14, 17, 25, and 52 Walsh et al teach on column 38 line 65 to column 39 line 40 DTMF tone are a sequence (read on claimed "position") of single DTMF tone. The DTMF tones must be analyzed to determine the sequence of tone signals. Walsh et al in the above given example does not use DTMF tones in a manner that need to be studied to determine there meaning. Each DTMF tone has a specific function value assigned to it in Walsh et al patent: DTMF tone "5" will always indicate "1200 Baud with CCITT" (Table 15-1). Walsh et al's utilization of DTMF tones are fixed and singular, these tones do not combine for form new meaning. The order in which these DTMF tones are transmitted may be of importance, but there value / function will always be the same (Table 15-1 and Col. 39 lines 1 to 21). The Applicant's use of DTMF tones differ in that they are used in a manner similar to that of alphabet letter, therefore different combinations of DTMF tones (sequence of tones) can spell out different instructions / information. Walsh et al's patent does not encode information using DTMF tones. Walsh does not use DTMF tones in the same manner as applicant, nor does his patent anticipate the Applicant's application of DTMF tones in his invention. Claims 3, 6, 14, 17, 25, and 52 are allowable.

Regarding claims 4, 15, 26, 34, 36, 38 – 44, 46 – 51, all rejection as stated in claim 1 above apply. In response to the above mentioned claims being rejected stemming

from claim 1, the repair and defense of said claims now makes 4, 15, 26, 34, 36, 38 – 44, 46 – 51 allowable claims.

Regarding "detecting whether the communication system is off hook", Walsh et al teach on column 30 lines 46 to 47 the microprocessor takes the line "Off-Hook". In the example cited: "At step 1210, the microprocessor in Walsh et al's user device 120 is initialized and takes the line 131 "Off-Hook" established power for the user device 120." Walsh et al device relies on the user to initiate the "Off-Hook" state by pressing an On/Off button (Col. 29 lines 4 to 6), or by passing a bar coded item in front of an attached bar code reader (Col. 29 lines 5 to 8 and Figure 12). As indicated above, Walsh et al's device requires user intervention for an "Off- Hook" state to be brought into existence. The intervention can take the form of moving a bar coded object in front of a bar code reader attached the Walsh et al's device, or the user pressing an On button on said device (Col. 29 lines 4 to 7). Once Walsh et al's device is activated, it will go to an "Off-Hook" state to obtain more power to run a modem it uses to connect to a host server (Col. 7 lines 28 to 34 and Col. 30 lines 47 to 48). Using the bar code number captured as a reference, Walsh et al's device will look for a phone number that matches the activating bar code number and dial said number (Col. 29 lines15 to 22). In Walsh et al's patent, the user device make an outgoing call to the server in the "Off Hook" state, while the Applicant's device detect incoming calls in the "Off Hook" state (Opposite). Walsh et al's device does not detect an "Off-Hook" state, rather it create an "Off-Hook" state to tap into the telephone line for power (Col. 30 line 47 to 48). In Walsh et al's patent the user device does not detect an "Off Hook" state it creates one in response to some action of the user (Col. 29 lines 3 to 11). The cited example is talking about figure 12 (Col. 30

lines 39 to 41), in which the user device (a wand) establishes a connection the server (Col. 30 lines 39 to 41). The wand is controlled by the user and it initiate the contact with the server by calling it (Figure 12 step 1211), and the server answering the call proves that the user is driving the process of generating the off hook state (Figure 12 step 1219). This is no different than a phone user pressing a "speaker phone" button on a telephone. Walsh et al device does not teach how the device initiate an "Off-Hook" state on it own as is done in the Applicant's patent, rather is just show that an "Off-Hook" state is required for the user device to work. The Applicant's invention does not have a limited or power conservation requirement, said device is attached an independent power source in the remote location. The Applicant's device can detect an "Off-Hook" state on it own, without the intervention of the user.

Regarding "determining whether....off hook", Walsh et al teach on column 30 line 46 to 58 an incoming call is made when the line is "Off Hook". In the example cited, Walsh et al's device gets electrical power from the "Off-Hook" state of the phone, and uses it to make outgoing calls to the server (Col. 29 lines 14 to 31 and Col. 30 lines 47 to 58). In the example cited in Walsh et al's patent, both the call and the instructions are outgoing from the user device and incoming to the server. The applicant device detects when an incoming calls is being answered ("Off Hook" state), both the instructions and the call are incoming to the device and outgoing from the server. Clearly there is no conflict between Walsh et al's invention and the Applicant's invention. Walsh et al's device makes outgoing calls to the server after it triggers an "Off-Hook" state (outgoing call), and the Applicant's device detects incoming calls from a server in the "Off-Hook" state (incoming call).

Regarding "determining whether a call is established to access the remote device", Walsh et al teach on column 31 lines 1 – 3 the host server answer and receives the call. Walsh does not teach on host server answer and receive call, this has been around since there were server and time-sharing (i.e. American On Line "A.O.L.", which answer and receive calls from millions of user around the world). In the example cited in Walsh et al's patent, "During the step 1211, the host server 110 performs step 1219, in which it answers and receives the telephone call from user device 120". The Applicant's device receives call from a centrally located server, while Walsh et al device make call to the server (Col. 29 lines 15 to 22 and Col. 29 lines 24 to 31 and Col. 5 lines 43 to 45). The server receives and answers calls from Walsh et al's user device, and the user device is allowed to control the server (Col. 7 lines 25 to 27 and Col. 29 lines 15 to 21 and Col. 29 lines 24 to 31). Walsh et al's device establishes direct access to a server from a mobile hand-held device (Col. 3 lines 43 to 48 and Col. 6 lines 26 to 30 and Col. 6 lines 66 to 67), while the Applicant's device allows a stationary server to establish indirect access to a remote stationary device. The Applicant's invention give the user control of a stationary device that is remote to both the server and the user, control occurs after the user has terminated connection to the server. When the users of Walsh et al's device ends their connection with the server, they lose all control of activities being carried out on the server (Col. 30 lines 29 to 32). They are distinct differences in the nature of the contact established between the devices and their server, and the nature of what and when they control a remote device. This difference shows that there is no conflict between the Applicant's invention and that of Walsh et al.

Regarding "controlling said device based on said instruction", Walsh et al teach on column 32 lines 58 to 62 facilitate the user ordering goods and/or service from an order processing element. In the example cited, "In a preferred embodiment, the order session facilitates the user ordering good and/or services from an order processing element 111 at host server 110. In general, each time a user operates bar code reader 121 or keypad 127, user device 120 will transmit data or commands to host server 110". Walsh et al is device is transmitting instructions and / or information directly to a server that will execute an action base upon the received commands and / or information in real time (Col. 3 lines 43 to 48 and Col. 7 lines 25 to 31). In Walsh et al invention the user interface device control the server and all of the programs / applications stored on it (Col. 7 lines 25 to 34): server response to the user device commands. Walsh et al's device provides the user with control of the server and applications stored on it in real time. When the connection between the user and the server is terminated, control is also terminated (Col. 30 lines 29 to 32). The Applicant's invention does not allow the user to directly control the device at the remote targeted location, rather user can relay instructions to the device by way of a server. The Applicant's device provides control at a future point in time using an indirect path, while Walsh et al's invention gives a direct path with real time execution of instructions (Col. 3 lines 43 to 48). These two inventions are different in when the instructions are carried out, Walsh et al device carrier out instruction in real time while the Applicant's device carrier out instruction at some time in the future. These two invention are different in where the instructions are carried out, Walsh et al's device executes instructions at the server site while the Applicant's device executes its instructions at a locate remote to the server. Walsh et al's device is used to

issue instruction to a device (server) while the Applicant's device is used to relay instructions to a device. Walsh et al invention concern it self with controlling only devices it is in contact with, and interact with in real time. Walsh et al invention allows a user to place order for good and service, but it does not allow it to remotely control a device at a future time at a site removed from the server location. All control obtained by a user employing Walsh et al invention is in real time (Col. 3 lines 17 to 21), once the connection is terminated there is no control of the server. The applicant device not only delivers a service (control of a remote device) to the users desired location at a future time, but there is no middleman or vendor involves that would have to ship or supply the product or service requested by the user. Walsh et al patent will necessitate a third party to supply the purchase commodity, bill and collect payment, deliver it to the user, in addition to the cost of using said patented device (Col. 31 lines 19 to 25).

Claims 5, 6, 7, 8, 9, 10 and 11, are allowable as being dependent from an allowable claim

Claims 13 and 14, are allowable as being dependent from an allowable claim

Claims 16, 17, 18, 19, 20, 21, and 22, are allowable as being dependent from an allowable claim

Claims 24, and 25, are allowable as being dependent from an allowable claim

Claims 27, 28, 29, 30, 31, and 32, are allowable as being dependent from an allowable claim

Regarding claims 7, 18, and 28 Walsh et al teach on item 120 figure 1B user device (claimed "central server") transmit DTMF tones. In the example cited above,

Walsh et al's hand device uses DTMF tones to quickly configure communication between the said device and the server (Col. 39 line 1 to 40 and Table 15-1 and Col. 4 lines 10 to 16). The Applicant's invention uses the DTMF tones to convey encoded information to a server for processing before being passed on to a specific location. Walsh et al employs DTMF / MF tone to trigger a switch over in data reception modes in the server (Col. 4 lines 10 to 16 and Col. 5 lines 39 to 42). There is no DTMF tones encoding of information from the user device to the server in Walsh et al patent (Col. 7 lines 5 to 14). The central server in Walsh et al invention does not transmit DTMF tone to the hand held device, rather the server receives them from the said device as a triggering signal (Col. 4 lines 10 to 17). All information is conveyed via a modem (Col. 9 lines 4 to 18 and Col.8 lines 17 to 22). The applicant device does teach encoding DTMF tone with information and instructions. Claims 7, 18, and 28 are allowable.

Regarding claims 11, 22, 32, and 45 Walsh et al teach on column 8 lines 17 to column 9 line 18 DTMF signals are transmitted via a modem and received by a CPU (reads on claimed "DTMF tones are converted and transmitted as electrical pulse"). In the example cited above, Walsh et al's hand device uses DTMF tones as a data transmission switch signal, a signal that quickly trigger a chain of events in server (Col. 8 line 17 to 36). In Walsh et al DTMF tones are used as a signal a switch from voice to data transmission, because DTMF tones can not be mimic by the human voice accidental changes in data transmission mode are avoided (Col. 8 lines 26 to 36). In Walsh et al DTMF tones have fixed encoded information / status from which the server can determine how to configure itself to receive incoming communication from the user

device (Table 15-1 and Col. 39 lines 1 to 40). Once communication is properly configured, all information is conveyed in data packet via a modem (Col. 5 lines 26 to 34 and Col. 9 lines 4 to 18 and Col.8 lines 17 to 22). The Applicant's device encodes DTMF tones with information (instructions) that are transmitted without employing a modem. The Applicant's invention uses the DTMF tones to convey information to a server for processing before being passed on to a specific location. In Walsh et al's patent communication is between the server and the user device (Col. 7 lines 25 to 30), there is no third party as in the Applicant's invention. Walsh et al employs DTMF / MF tone to trigger a switch over in data reception modes in the server (Col. 4 lines 10 to 16 and Col. 5 lines 39 to 42), because none of the DTMF tones appear in normal human speech (Col. 8 lines 26 to 36). Walsh et al uses DTMF tone for their uniqueness, making them ideal for a switching signal (Col. 8 lines 26 to 42). The Applicant's uses the DTMF tones to convey information in a non-voice communication system, there is no need to distinguish data from voice transmission as in Walsh et al. Claims 11, 22, 32, and 45 are allowable.

Claims 8, 19, 29, are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al as applied to claim 5 and in view of Segal et al (US: 6167251).

Claims 8, 19, and 29 are allowable as being dependent from an allowable claim

Claims 9, 20, 30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al as applied to claim 5 and in view of Irie (JP: 410126494).

Claims 9, 20, and 30 are allowable as being dependent from an allowable claim

Claims 10, 21, 31, are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al as applied to claim 5 and in view of Goto (US: 6044278).

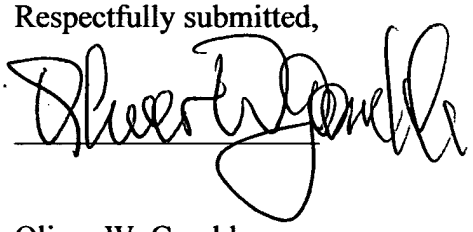
Claims 10, 21, and 31 are allowable as being dependent from an allowable claim

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Interview with Examiner

I would like to thank the Examiners for allowing me the opportunity to speak about this application and the Office action on March 31, 2004. I agreed to correct the indefinites that were created by using the phase "at least one", and to label all diagrams submitted with my patent as indicated by examiner.

Respectfully submitted,



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PS

Please Note that this is the second sending of a response to an office action date april 26, 2004. The first mailing was lost by the USPTO. Support Of this Statement is enclosed in the form of certified mailing receipt to the USPTO. Please rush this to examiner Mr.

Ming Chow (Art Group 2600). I spoke to Mr. Ming Chow On 7-16-2004, He informed me that my response was lost. I am filing another response by fax to the USPTO.